REMARKS

Reconsideration of this application in light of the amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1-9 and 12 were previously pending.

Claims 10-11 were previously canceled without prejudice or disclaimer of the subject matter therein.

Claims 3 and 7-9 are canceled herein without prejudice or disclaimer of the subject matter therein.

Claims 1, 4, and 6 are amended herein.

No new matter is added.

Claims 1-2, 4-6, and 12 will be pending after entry of this amendment and are presented for examination.

Rejections Under 35 U.S.C. § 103(a)

Claims 1, 3, 5, and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2005/0135578 A1 to Ress ("Ress") in view of U.S. Patent Application No. 2005/0069061 A1 to Petzold ("Petzold"). Claim 3 has been canceled herein, and thus, the rejection with respect to claim 3 is moot.

The Examiner contends that the combination of Ress and Petzold discloses each and every element of independent claim 1.

Ress is directed to a metering system for a packet based network, in which a single metering message is analyzed by a media gateway 22 receiving the message to determine how to provide metering pulses for all phases of a call, as well as any one-time charges. (Ress, paragraph [0006]). The metering message is sent to the media gateway 22 from a media gateway controller 26 and provides all of the information necessary for the metering associated with a given call. (Ress,

paragraph [0035]). The message may include parameters defining how to provide metering for each possible phase associated with a call, as well as setup and add-on charges. (Ress, paragraph [0035]). The entire call tariff model is expressed in a single message, which is sent to the media gateway 22 in association with the call. (*See* Ress, paragraph [0035]). According to Ress, the call tariff model provided in the single message may include parameters such as the pulse rate interval (PRI), the charge interval (CI), metering pulse burst information (MPB), the phase duration (PD) and other information related to the pulse count per charge interval (PC-CI). (See Ress, paragraphs [0080]-[0088]).

Petzold is directed to a system for detecting at least one signal of interest within an input signal. (Petzold, Abstract). At least one set of samples from the input signal is multiplied by at least one set of samples representing a complex conjugate of the input signal to obtain a series of correlation samples. (Petzold, paragraph [0006]). Sets of one or more consecutive correlation samples are summed to obtain a series of pulse sums. (Petzold, paragraph [0006]). A plurality of non-consecutive pulse sums are integrated to obtain a search value. (Petzold, paragraph [0006]). An initial pulse sum can be selected for the integration process according to an associated start delay value. (Petzold, paragraph [0021]) The start delay value indicates the start time of a pulse sum at which to begin the integration. (Petzold, paragraph [0021]). A pulse repeat interval can also be selected for the integration process that specifies a constant amount of time between the start times of the pulse sums within a series. (Petzold, paragraph [0021]).

Independent claim 1 has been amended herein to recite:

> A method for realizing metering pulses in the Next Generation Network (NGN), comprising the steps of:
>
> delivering a metering pulse information message from a media gateway controller to a media gateway, the metering pulse information message including an indication of a particular group of metering pulse information to be selected by the media gateway;
>
> selecting, by the media gateway, one of a plurality of groups of metering pulse information provided at the media gateway according to the indication of the particular group of metering pulse information to be selected, each of the plurality of groups of metering pulse information including a respective total number of metering pulses to be transmitted

and a respective transmission interval between two adjacent metering pulses; and

transmitting, by the media gateway, metering pulses periodically to a user equipment according to the number of metering pulses to be transmitted and the transmission interval between two adjacent metering pulses included in the selected group of metering pulse information.

Support for this amendment may be found in the Specification, for example, at paragraphs [0026] and [0054]. Applicant thanks the Examiner for the courtesies extended to Applicant's representative in the Examiner interview held on November 24, 2009, in which the Examiner agreed that the above amendments to claim 1 would distinguish the invention over the current rejection.

Independent claim 1, as amended, includes the features "delivering a metering pulse information message from a media gateway controller to a media gateway, the metering pulse information message including an indication of a particular group of metering pulse information to be selected by the media gateway" and "selecting, by the media gateway, one of a plurality of groups of metering pulse information provided at the media gateway according to the indication of the particular group of metering pulse information to be selected." Thus, according to claim 1, a media gateway controller delivers an indication of a particular group of metering pulse information to be selected to the media gateway. The media gateway then selects one of a plurality of groups of metering pulse information provided at the media gateway according to the indication.

The combination of Ress and Petzold does not teach or suggest the above-recited features of independent claim 1. Ress merely describes that a media gateway controller 26 sends a single message to a media gateway 22 consisting of a complete tariff model for an entire call, which may contain a pulse count per charge interval (PC-CI) and a pulse repetition interval (PRI). Thus, the number of pulses and transmission interval are directly provided by the media gateway controller 26 to the media gateway 22. In Ress, before the gateway controller sends the PC-CI and the PRI to the media gateway, the number of pulses and the transmission interval are not provided in a plurality of groups in the media gateway. By contrast, claim 1 requires that a plurality of groups of metering pulse information is provided at the media gateway and that each of the plurality of groups of metering pulse information includes a respective total number of metering pulses to be transmitted

and a respective transmission interval between two adjacent metering pulses. The particular number of metering pulses to be selected and the transmission interval to be used is selected by an indication of the group of metering pulse information to be selected. Further, Petzold does not cure the deficiencies of Ress because Petzold merely describes a system for detecting a signal of interest within an input signal by obtaining correlation samples, summing the correlation samples to obtain a series of pulse sums, and integrating the pulse sums to obtain a search value. (Petzold, Abstract). Petzold nowhere teaches or suggests delivering an indication of a particular group of metering pulse information to be selected to a media gateway and selecting, by the media gateway, one of a plurality of groups of metering pulse information provided at the media gateway according to the indication, as required by amended independent claim 1.

In view of the foregoing, it is respectfully submitted that the combination of Ress and Petzold does not teach or suggest each and every element of independent claim 1. Thus, independent claim 1 is not obvious in view of the references cited by the Examiner. Applicant further submits that claims 5 and 12, which depend from claim 1, are allowable at least by reason of dependency on an allowable base claim. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

* * *

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ress in view of Petzold and further in view of U.S. Patent No. 7,283,198 to Kuo ("Kuo").

Claim 2 depends from claim 1, and thus, incorporates all of the limitations of claim 1. Therefore, claim 2 includes the features "delivering a metering pulse information message from a media gateway controller to a media gateway, the metering pulse information message including an indication of a particular group of metering pulse information to be selected by the media gateway" and "selecting, by the media gateway, one of a plurality of groups of metering pulse information provided at the media gateway according to the indication of the particular group of metering pulse information to be selected." As discussed above with respect to independent claim 1, the combination of Ress and Petzold does not teach or suggest the above-recited features. Further, Kuo

does not cure the deficiencies of Ress and Petzold. Kuo merely describes a reticle thermal detector for determining a degree of distortion of the reticle due to thermal effects prior to exposure of a semiconductor wafer. (Kuo, column 3, lines 29-34).

In view of the foregoing, the combination of Ress, Petzold, and Kuo does not teach or suggest each and every element of claim 2. Thus, claim 2 is not obvious in view of the references cited by the Examiner. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

* * *

Claims 4 and 6-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ress in view of Petzold and further in view of U.S. Patent Application No. 2005/0069061 to Freyman ("Freyman"). Claims 7-9 have been canceled herein, and thus, the rejections with respect to those claims are moot.

Claims 4 and 6 depend from claim 1, and thus, each incorporates all of the limitations of claim 1. Therefore, claims 4 and 6 include the features "delivering a metering pulse information message from a media gateway controller to a media gateway, the metering pulse information message including an indication of a particular group of metering pulse information to be selected by the media gateway" and "selecting, by the media gateway, one of a plurality of groups of metering pulse information provided at the media gateway according to the indication of the particular group of metering pulse information to be selected." As discussed above with respect to independent claim 1, the combination of Ress and Petzold does not teach or suggest the above-recited features. Further, Freyman does cure the deficiencies of Ress and Petzold. Freyman merely describes a method and system for enabling a common hardware device to be employed in different countries and used by different system operators in national networks. (Freyman, paragraph [0008]).

In view of the foregoing, the combination of Ress, Petzold, and Freyman does not teach or suggest each and every element of claims 4 and 6. Thus, claims 4 and 6 are not obvious in view of

the references cited by the Examiner. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that each of the pending claims is in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required, or to credit any overpayment, to Deposit Account No. 04-0100.

Dated: December 28, 2009

Respectfully submitted,

By _____

Melvin C. Garner
Registration No.: 26,272
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant